UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,823	12/27/2001	Hideki Uchimi	011767	9858

23850	7590	08/19/2005	

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EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 10-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 10-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6 and 10-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Yon et

al. in view of *How the Internet Works*.

Yon et al. teaches a method and system for selecting product colors. Specifically, the

Yon et al. teaches a color database (matchable color database) for a product (column 2; lines 30-

31). In addition, the host computer provides an interface that permits the purchaser to interact

with the host computer system. The interface includes an output portion and an input portion.

The output portion conveys information from the host computer system and the input portion is

used to convey information to the host computer system (column 2; lines 56-67). Examiner

notes that this related to the conditions-designating processing unit.

Yon et al. further teaches that once the host computer revives color information from the

user, a search of the color database of available colors for the product commences (column 4;

lines 26-28). Examiner notes that this represents the color data transmitting unit.

Yon et al. also teaches an indexing tool which is a spectrum of colors transmitted from

the host computer to the purchaser computer for display (column 6; lines 20-24). Examiner notes

that the spectrum represents Applicant's gamut. Yon et al. also teaches a virtual color table

where the background is the target color and the "n" closest are swatches (column 5; lines25-27).

Examiner notes that this represents Applicant's virtual item coloring process unit.

Yon et al. further teaches that the system is capable of determining whether a vendor has

a product in the target color or a color close enough to the target color (column 3; lines15-20).

Examiner note that this represents available stock confirming unit.

Yon et al. also teaches that the host computer includes an order database, access control database, database server and firewall. Where the order database is used to store sample orders made by a purchaser and/or product orders. The access control database operates in conjunction with the firewall to prevent unauthorized access to the host computer and enforce limitations on the authorized access (column 6, lines 63-67 and column 7 lines 1-20). Examiner notes that this represents the customer database and user identification feature required by Applicant's claims.

Examiner notes that it is inherent to the system of Yon et al. that the host computer store information related to dye, resin and pigment. One of ordinary skill in the art would recognize that these are fundamental to the coloring process and in order for the system of Yon et al. to provide colors and specifically custom colors this information must be part of the color database.

Yon further teaches a customer to initially identify the product in which they are interested (see for example column 3, lines 34-36). Examiner notes that this represents a predetermined identification of use correlated to the user. However, Yon does not specifically teach storing this product selection (use) in a customer database.

How the Internet Works teaches database used for the implementation of virtual shopping carts, which are portions of a Web site where customers place items (uses correlated to the user) they are considering buying. Items can be taken in and out of the cart (database) prior to buying. Virtual shopping carts are used in order to make the shopping experience more efficient. It would have been obvious to one of ordinarily skill in the art at the time of the invention modify the selection of products taught by Yon to include storage of the selected product in a virtual shopping cart as taught by *How the Internet Works*. One of ordinary skill in the art would have been motivated to modify the references in order to make the shopping experience of Yon more efficient.

Response to Arguments

Applicant's arguments with respect to claims 1-6 and 10-19 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak

**ANDREW FISCHER
PRIMARY EXAMINER**